

### REMARKS

Claims 11- 18 are pending and stand rejected.

Claim 11 has been amended to remove the statement of "sole" barrier layer, and to instead incorporate the structure limitations of claims 17 and 18, said structure consisting of the stated layers. The consisting language of claim 11 allows for no additional barrier layer.

Claim 17 and 18 were cancelled without prejudice.

It is believed that no new matter is added by these amendments.

#### 35 U.S.C. §112

Claims 11-18 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the term "sole" barrier layer is alleged to find no support in the original specification. Applicant has amended the claims to remove the term "sole barrier layer". Applicant has instead amended claim 11 to state that the specific structure consists of the structure of claim 17. The consisting language means that the barrier layers of the Jadamus reference are not present in Applicant's claims.

#### 35 U.S.C. §103(a)

##### Jadamus in view of Nakajima and Chacko

Claims 11-18 stand rejected under 35 U.S.C. 103(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Jadamus et al et al, US 6,090,459, in view of Nakajima (US 5,376,712) and further in view of Chacko (US 6,617,377).

The '459 reference fails to teach all of Applicant's claim limitations, as amended, and therefore fails to present a *prima facie* of obviousness. Specifically, the '459 reference fails to teach the presence of a tie layer between the inner and outer layer, and also the use of a polyamide/polyolefin blend having carbon nanotubes for use as the sole barrier layer for alcohol-containing fuels.

The Jadamus reference describes an inner and an outer layer that optionally (and preferably) contains a barrier layer in the middle. If the barrier layer is present, it may

optionally bonded to the adjacent layers by an adhesive layer (Col. 2, lines 16 and 17). No adhesive layer are taught or suggested when a barrier layer is not present. In the *Jadamus* Examples the structures all contain a barrier layer – except for Example 5 which contains an inner and outer layer only, without a barrier layer, and without a tie layer.

Applicant's claims, as amended, require a structure having a tie layer – but no internal barrier layer. The *Jadamus* reference teaches no tie layer, except optionally used with a barrier layer – a teaching that does not teach or suggest Applicant's claimed structure.

The *Nakajima* reference is a secondary reference cited for its teaching of impact modified polyamides, and specifically for polyamides modified with polyolefins. It does not teach or suggest a method for improving barrier properties using the structure as claimed in Applicant's amended claims, thus failing to heal the deficiencies in the *Jadamus* reference.

The *Chacko* reference is also a secondary reference, cited for its teaching that carbon nanotubes can form secondary bonding with polymers having functional groups. The *Chacko* patent includes in its list of representative polymers polyamide imides, however polyamides or polyolefins are not included, and therefore this reference fails to make the point that carbon nanotubes concentrate in the polyamide.

Since the cited references fail to present a *prima facie* case of anticipation or obviousness over the claims as amended, Applicant believes that the reasons for rejection have been overcome, and the claims herein should be allowable to the Applicant. Accordingly, reconsideration and allowance are requested.

Respectfully submitted,

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